

RDMD/Planning and Development Services

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DATE: December 1, 2005

TO: Orange County Zoning Administrator

FROM: Resources and Development Management Department/Land Use Services Division

SUBJECT: Public Hearing on Planning Application PA05-0041 for a Site Development Permit for an Alternative Development Standard, per Coto de Caza Specific Plan Section III.4.7. and III.1.2.Q.

PROPOSAL: Request for approval of a side yard structural setback as close as 6 feet to the property line, where 8 feet is required, to facilitate the construction of a two-story room addition. The subject site is located in the Coto de Caza unincorporated area.

LOCATION: 18 Calle De Princessa, Coto De Caza, within the Third Supervisorial District

APPLICANT: Harold & Debbie Teague, property owner
Kenny Kuhns/Kenwood Construction, agent

STAFF Yosh Kawasaki, Staff Planner

CONTACT: Phone: (714) 834-4389 FAX: (714) 667-8344

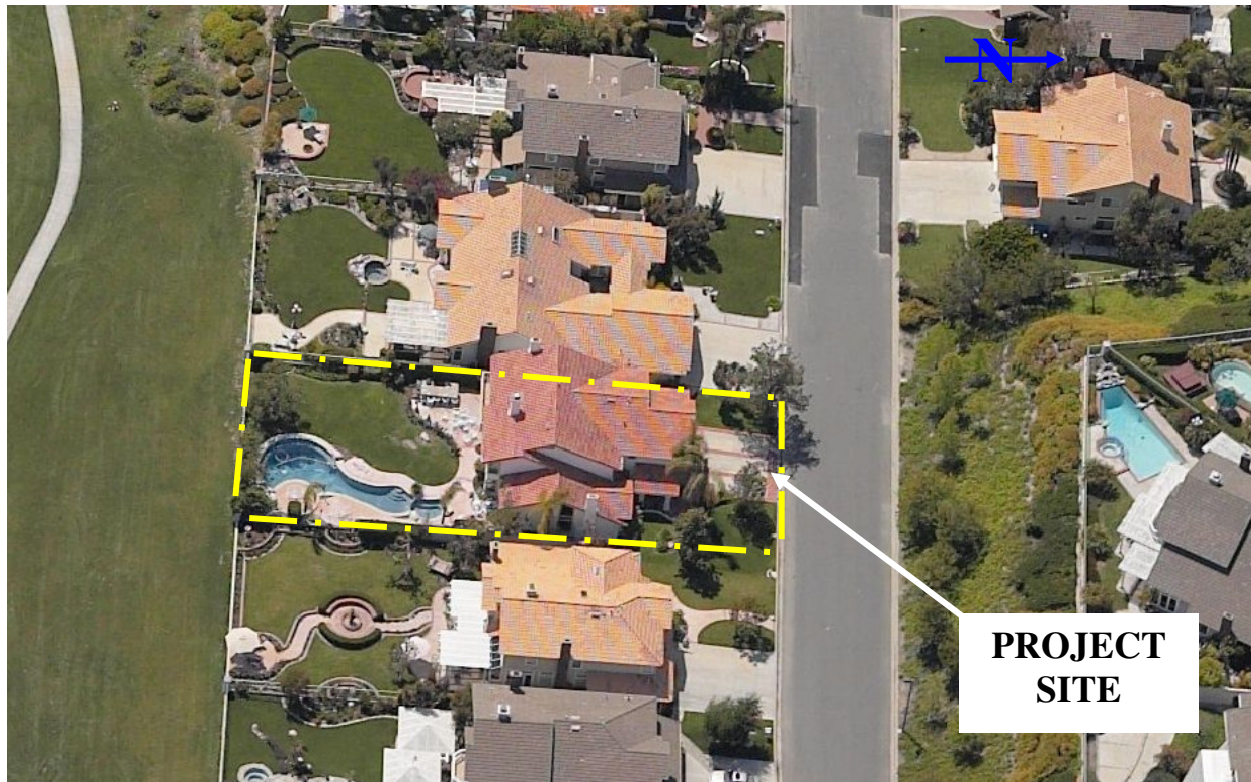
SYNOPSIS: PDS/Current and Advance Planning Service recommends Zoning Administrator approval of Site Development Permit Application No. PA05-0041, for a Variance subject to findings and conditions attached.

BACKGROUND:

The subject property is located in Planning Area 6 of the Coto de Caza Specific Plan and is legally described as Lot 14 of Tract 12758. The lot is approximately 10,000 square feet in area, measuring approximately 62.5 feet wide and 160 feet deep. The site was originally developed in 1986 and presently a single family home with an attached 3-car garage is on the lot. The property has never received any form of discretionary permit in the past, in as much as it complied when constructed with the terms and provisions of the Coto de Caza Specific Plan Amendment Two "Low Medium Density" Zoning in place at the time (side yard setbacks were 0 feet "from any side or rear property line not abutting a street"), and otherwise complies with all development standards of the current Coto de Caza Specific Plan Amendment Three "Low Density" Zoning.

SURROUNDING LAND USE:

The project site and surrounding properties are zoned Coto de Caza Specific Plan "Low Density with single-family dwellings with the exception of the "Open Space designation directly south the of the property. (see photo below).



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A notice of hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at 300 N. Flower, at the site, and as required by established public hearing posting procedures. In addition, a copy of the planning application and a copy of the proposed site plan were distributed for review and comment to the Coto de Caza Specific Plan Board of Review, which indicated that they had "no comment".

CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from its requirements (Class 5, minor alterations in land use - setback variance).

DISCUSSION/ANALYSIS:

The homeowners are seeking approval of an alternative development standard for side yard structural setback to facilitate the construction of a new/expanded family room and new breakfast nook, adding approximately 318 square feet of living space on the ground floor and 340 square feet to the second floor for a total of 658 square feet of additional living space added to the existing approximately 2,500 square foot house. RS051018 has concurrently been filed for this addition.

The existing home was conforming to the Coto de Caza Specific Plan Amendment Two “Low Medium Density” Zoning when constructed in 1986, where side yard setbacks were 0 feet “from any side or rear property line not abutting a street”.

The proposal is for portions of the room addition to be as close as 6 feet against the side property line, where 8 feet is required by present zoning, and a roof eave setback of 4 feet 6 inches, which would be permitted as a standard roof eave setback. The enlarged single family residence would cover approximately 28% of the lot. The applicable land use district allows Building Site (lot) Coverage to a maximum of 40%.

In terms of the appropriate considerations for this request, Coto de Caza Specific Plan Section III.1.2.Q. refers to the need to find that the proposed alternative development standard is “superior” to the alternative of forced compliance to the regulatory standards. One circumstance mentioned as a possible justification is the “architectural nature of the community which has been established”. In this case, the entire neighborhood was constructed with side yard setbacks less than that which is being proposed for this area of room addition. Therefore, approval of the modified standard would not be a grant of special privilege not already enjoyed by neighboring lots.

RECOMMENDED ACTION:

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA050041 for a site development permit allowing an alternative side yard structural setback standard, subject to findings and conditions of approval.

Respectfully submitted,

Signature on file

Charles Shoemaker, Chief
RDMD/Current and Advance Planning

ATTACHMENTS:

- A. Findings of Approval
- B. Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Project Plans (Site Plan, Floor Plan and Elevation)
3. Color Photographs (Zoning Administrator's copy only)
4. Environmental documentation.

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.